

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HOLMAN AUTOMOTIVE GROUP

Plaintiff,

CIVIL ACTION NO. 05-CV-72620-DT

vs.

DISTRICT JUDGE LAWRENCE P. ZATKOFF

CAPPO MANAGEMENT XVII, INC.,  
et al,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER REQUIRING PARTIES TO FILE A PROPOSED PROTECTIVE  
ORDER AND A JOINT STATEMENT OF DISCOVERY ISSUES IN DISPUTE  
AS TO DEFENDANTS' MOTION TO COMPEL  
(DOCKET # 41)**

On April 3, 2006 Defendants filed a Motion to Compel Discovery (Docket #41), seeking an order to compel responses to their First Request for Responses to Interrogatories and Production of Documents. Defendants also seek sanctions in the amount of reasonable costs and attorney fees. Plaintiff responded to Defendants' motion on April 17, 2006 and Defendants replied. District Court Judge Lawrence P. Zatkoff referred said motion to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). All parties appeared through counsel for oral arguments on May 22, 2006. This motion is now before this Court.

\* \* \* \* \*

Defendants seek an order compelling Plaintiff to respond to Defendants' First Request for Responses to Interrogatories and Production of Documents dated January 26, 2006. In its written response, Plaintiff concedes its failure to timely respond or object to

Defendants' Requests for Responses to Interrogatories or Production of Documents. Plaintiff offered no explanation for its failure to timely respond.

The parties appeared before this Court for oral argument on May 22, 2006. At the hearing, Defendants advised that on May 18, 2006 they had received partial responses to their First Request for Responses to Interrogatories and Production of Documents. However, Defendants contend that Plaintiff's responses to many of their discovery Requests are inadequate. Specifically, the Defendants take issue with Plaintiff's responses to Defendants' Interrogatories numbers 7 through 11, 13, and 15 and Plaintiff's responses to Defendants' Requests for Production of Documents numbers 3 through 10, 12, 15, 16, and 18 through 22.

The Court was not presented with a copy of Plaintiff's responses. Further, the parties have not yet conferred with one another regarding the adequacy of Plaintiff's responses in an attempt to resolve their discovery disputes without court intervention. The parties also agreed that a protective order may facilitate the resolution of several of the discovery disputes at issue in Defendants' Motion to Compel.

**THEREFORE, IT IS HEREBY ORDERED** that the parties file a proposed, mutually agreed upon protective order **on or before June 2, 2006**. If the parties cannot agree upon a proposed protective order, then each party will submit its own proposed protective order to this Court **on or before June 2, 2006**.

**IT IS FURTHER ORDERED** that the parties will file a joint statement of any remaining discovery issues in dispute as they relate to Defendants' Motion to Compel (Docket # 41) **on or before June 15, 2006**. The parties are strongly encouraged to

amicably resolve their discovery disputes without further court intervention.

The Court **HOLDS** its rulings on the issue of sanctions **IN ABEYANCE**.

**IT IS SO ORDERED.**

**Notice to the Parties**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: May 24, 2006

s/ Mona K. Majzoub  
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MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**Proof of Service**

I hereby certify that a copy of this order was served upon Counsel of Record on this date.

Dated: May 24, 2006

s/ Lisa C. Bartlett  
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Courtroom Deputy